

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

**RODNEY X,
Plaintiff,**

v.

**UNITED STATES OF AMERICA, et al.,
Defendants**

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No. 1:18-cv-00903

(Judge Kane)

ORDER

AND NOW, on this 18th day of October 2021, in accordance with the Memorandum issued concurrently with this Order, **IT IS ORDERED THAT:**

1. Defendants' motion to dismiss and/or for summary judgment (Doc. No. 76) is **GRANTED IN PART** and **DENIED WITHOUT PREJUDICE IN PART**, as follows:
 - a. Defendants' motion (Doc. No. 76) is **GRANTED** with respect to Plaintiff's Bivens claims against Defendants Rummel, Missigman, and Beaver on the basis that Plaintiff failed to exhaust his administrative remedies with respect to such claims, and the Clerk of Court is directed to defer the entry of judgment in favor of Defendants on these claims until the conclusion of the above-captioned action;
 - b. Defendants' motion (Doc. No. 76) is **DENIED WITHOUT PREJUDICE** as to Plaintiff's FTCA negligence claim against the United States;
2. The United States is directed to file an answer to Plaintiff's second amended complaint (Doc. No. 1, 5, 10, 11, 65) within fourteen (14) days of the date of this Order;
3. The parties are directed to complete discovery within six (6) months of the date on which the United States files its answer; and
4. The parties are directed to file any dispositive motions within forty-five (45) days of the date on which discovery closes.

s/ Yvette Kane
Yvette Kane, District Judge
United States District Court
Middle District of Pennsylvania